REMARKS/ARGUMENTS

Claims 38-49 remain in this application. Claims 38-46, 48 and 49 have been amended.

Applicants respectfully traverse the rejection of Claims 38-49 under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Bacon et al (US Patent No. 6,027,062) in view of Raasch (US Patent No. 4,891,933).

The Examiner asserts that Bacon discloses an apparatus and method of threading a moving length of fiber through a component in a fiber draw, fiber winding or fiber testing process. The Examiner submits that "Raasch teaches activating an aspirator, in response to a spool being full or a break in the fiber, to obtain the fiber at a first location and moving the fiber to a second location to thread the fiber through a component in the fiber draw process." Applicants respectfully disagree. Raasch relates to a method of spinning yarn, and does not suggest winding fiber during a fiber draw process.

The Examiner admits that Bacon fails to teach the positioning devices and aspirator, but submits that "It would have been obvious to one of skill in the art at the time the invention was made to modify the positioning device of Bacon to include an aspirator to hold the fiber as suggested by Raasch, to hold the fiber with transferring and threading the fiber without causing damage to the fiber."

Applicants submit that there would no motivation for one of skill in the art to combine the teachings of these two references, and that, even if one were motivated to combine their teachings, one would not arrive at applicants claimed invention. One of skill in the art would not look to the teachings of yarn spinning art. Yarn is a very flexible material which can be handled very roughly without damaging the yarn product. Optical fiber, on the other hand, is not nearly as easily handled without damaging the optical fiber, and handling an optical fiber the way yarn can be handled (for example, by bending in very small radii) can have catastrophic results to the optical fiber.

Applicants, in the response dated December 28, 2005, indicated that it was not clear which aspirator in Raasch the Examiner was proposing to use in the apparatus disclosed in Bacon, nor was it clear how the device in Bacon would be modified to employ the aspirator used in Raasch.

In the Final Rejection dated March 20, 2006, the Examiner indicated that: "In response to applicant's arguments in the last full paragraph on page 8 of the response, the aspirator 4 of Raasch teaches hold the fiber while transferring and threading the fiber without causing damage to the fiber. Further Bacon would be modified to apply the teaching of Raasch to reposition the aspirator 82 to move the fiber to a second location to thread the fiber through a component in the fiber draw process."

Applicants respectfully disagree that aspirator 4 of Raasch teaches holding the fiber while transferring and threading the fiber. First, as explained above, Raasch does not mention fiber, instead Raasch mentions yarn, which is a very different material than optical fiber. Second, suction nozzle 4 in Raasch is described as "a yarn locator for locating and drawing off the yarn end from the surface of package 1" (column 3, lines 15-16). In the embodiment illustrated in Fig. 4, suction nozzle 4 is used to take up a portion of the yarn end, after which, the drive of the package 1 is reversed so that the engaged yarn end is wound back onto the projecting left end of the package tube 2 to form a yarn reserve winding 3' (see column 5, lines 52-61). Thus aspirator 4 in Raasch serves as a temporary storage device to hold a portion of the yarn, then feed the yarn back onto a position of a spool that appears to have an extremely small radius. By the way, if this sort of suction of optical fiber and then refeeding from the suction device back onto a narrow radius storage spool were done with an optical fiber, the optical fiber would likely be damaged.

Furthermore, even if, **assuming arguendo**, Raasch did teach threading of fiber through a component in a draw process, applicants submit that it would not be obvious to modify teachings of Bacon to arrive at applicants' claimed invention. Bacon in fact already uses an aspirator, namely aspirator 82. In Bacon, the aspirator 82 is utilized as a collecting device and also to provide a tension in the fiber between the fiber supply device and the collecting device, such that the positioning device can engage the fiber between the fiber supply and the collecting device (aspirator) in moving the engaging portion of the positioning device to thread the fiber through the system (column 2, lines 4-15). Consequently, modifying Bacon in the manner proposed by the Patent Office would appear to destroy the only intended function of the aspirator in Bacon, namely, to

provide a tension between the fiber supply and the collecting device so that the engaging member of the position device can engage and move the fiber to a threading position.

A patent examiner bears the burden of establishing a prima facie case of obviousness when rejecting claims under 35 U.S.C. § 103. The mere fact that the references cited by the examiner may be modified does not allow the examiner to meet his or her burden absent a suggestion in the cited art of the desirability of the modification. Moreover, the examiner may not "use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious." *In re Fritch*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). There does not appear to be any suggestion in either of the references cited that would suggest the desirability of the modification. In fact, as explained above, Bacon actually appears to teach away from the modification, as Bacon uses an aspirator in an entirely different manner than that claimed by applicants.

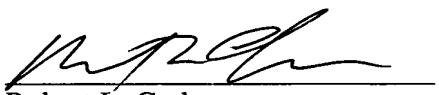
Because all of the other claims depend, either directly or indirectly, from claim 38, it is submitted that these claims are also in condition for allowance.

Based upon the above amendments, remarks, and papers of record, Applicants believe the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that no extension of time is necessary to make this Reply timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Robert L. Carlson at 607-974-3502.

Respectfully submitted,



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Robert L. Carlson
Attorney for Assignee
Registration Number: 35,473
Corning Incorporated
SP-TI-03-1
Corning, NY 14831
Phone: 607-974-3502